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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

JENNY A. HUNT, f.k.a. JENNY A. RICCI,	)	CIVIL ACTION NO.:
	)	
Plaintiff,	)	
	)	COMPLAINT
vs.	)	
	)	
WASHOE COUNTY SCHOOL DISTRICT,	)	
a political subdivision of the State	)	
of Nevada,	)	
	)	
Defendant.	)	

PLAINTIFF JENNY HUNT (hereinafter "Hunt" or "Plaintiff"), by and through her counsel, Dyer Lawrence, LLP, and Francis C. Flaherty, Esq., hereby files this Complaint against the Defendant captioned above.

STATEMENT OF THE CASE

PARTIES

1. Plaintiff is a citizen of the United States and the State of Nevada and at all material times was employed by Defendant Washoe County School District as a Student Support Services Performance & Instruction Executive Director.

2. Defendant Washoe County School District ("WCSD," "District" or "the District") is a political subdivision of the

1 State of Nevada and a "person" subject to suit within the meaning  
2 of 42 U.S.C. § 1983.

3 3. WUSD is an "employer" within the meaning of 42 U.S.C. §  
4 2000e.

5 4. At all material times, Kristen McNeill ("McNeill") worked  
6 within the District, and held the title of deputy superintendent.

7 5. At all material times, McNeill was an agent and/or  
8 employee of Defendant District, acting or failing to act within the  
9 scope, course, and authority of her employment and her employer.

10 6. At all material times, Traci Davis ("Davis") worked  
11 within the District, and held the title of superintendent.

12 7. At all material times, Davis was an agent and/or employee  
13 of Defendant District, acting or failing to act within the scope,  
14 course, and authority of her employment and her employer.

15 8. At all material times, Paul LaMarca ("LaMarca") worked  
16 within the District, and held the title of Chief School Performance  
17 Officer.

18 9. At all material times, LaMarca was an agent and/or  
19 employee of Defendant District, acting or failing to act within the  
20 scope, course, and authority of his employment and his employer.

21 JURISDICTION AND VENUE

22 10. This case arises under the Fourteenth Amendment of the  
23 United States Constitution and 42 U.S.C. §§ 1983 and 1988, as  
24 amended, Title VII of the Civil Rights Act of 1964, 42 U.S.C. §  
25 2000e, et. seq., Title IX of the Education Amendments of 1972, 20  
26 U.S.C. §1681(a), Title II and V of the ADA, 42 U.S.C. §12133,  
27 §12203, and Section 504 of the Rehabilitation Act, 29 U.S.C. §794a.

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1        11. This Court has subject matter jurisdiction in this matter  
2 pursuant to 28 U.S.C. § 1331, which gives district courts  
3 jurisdiction over all civil actions arising under the Constitution,  
4 laws, and treaties of the United States.

5        12. This Court also has subject matter jurisdiction pursuant  
6 to 28 U.S.C. § 1343, which gives district courts original  
7 jurisdiction over (a) any civil action authorized by law to be  
8 brought by any person to redress the deprivation, under color of  
9 any state law, statute, ordinance, regulation, custom or usage, of  
10 any right, privilege or immunity secured by the Constitution of the  
11 United States or by any Act of Congress providing for equal rights  
12 of citizens or of all persons within the jurisdiction of the United  
13 States; and (b) any civil action to recover damages or to secure  
14 equitable relief under any Act of Congress providing for the  
15 protection of civil rights.

16        13. The declaratory and injunctive relief sought is  
17 authorized by 28 U.S.C. §§ 2201 and 2202, 42 U.S.C. § 1983, and  
18 Rule 57 of the Federal Rules of Civil Procedure.

19        14. This Court may exercise supplemental jurisdiction over  
20 Plaintiff's state law claims arising under the common law, statutes  
21 and regulations of the State of Nevada, and which arise from a  
22 common nucleus of operative fact pursuant to 28 U.S.C. §1367.

23        15. This judicial district's unofficial northern division is  
24 the appropriate venue for this cause of action pursuant to 28  
25 U.S.C. §1391(b)(1) and (b)(2). The actions complained of took  
26 place in this judicial district; employment records and other  
27 evidence relevant to the allegations are maintained in this

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1 judicial district; and Defendant regularly conducts its affairs in  
2 this judicial district.

3 ADMINISTRATIVE PREREQUISITES

4 16. Plaintiff has complied with any and all administrative  
5 prerequisites for filing a civil action under Section 706 of Title  
6 VII of the Civil Rights of 1964, as amended, 42 U.S.C. §2000e-5 as  
7 follows:

8 A. On November 20, 2017 Plaintiff timely filed a formal  
9 charge of sex discrimination and retaliation with the  
10 Nevada Equal Rights Commission ("NERC"), and with the  
11 Equal Employment Opportunity Commission ("EEOC");

12 B. Plaintiff and her counsel promptly and diligently  
13 accommodated all NERC and EEOC requests for information  
14 and fully cooperated in the agencies' investigations of  
15 this matter;

16 C. Plaintiff exhausted all available administrative  
17 remedies in accord with the aforementioned statutes prior  
18 to instituting this civil action, and Plaintiff and her  
19 counsel received a Right-to-Sue letter from the Los  
20 Angeles District Office of the EEOC on August 13, 2018.

21 17. Plaintiff has complied with any and all administrative  
22 prerequisites for filing a civil action under Title IX of the  
23 Education Amendments Act of 1972, Section 504 of the Rehabilitation  
24 Act of 1973 and Title II and Title V of the ADA.

25 A. On August 2, 2017 Plaintiff timely filed a charge of  
26 discrimination and retaliation with the Office for Civil  
27 Rights of the United States Department of Education  
28 ("OCR").



1 B. Plaintiff and her counsel promptly and diligently  
2 accommodated all OCR requests for information and fully  
3 cooperated in the agency's investigation of this matter;

4 C. Plaintiff exhausted all available administrative  
5 remedies in accord with the aforementioned statutes prior  
6 to instituting this civil action, and Plaintiff and her  
7 counsel received a Right-to-Sue letter from Region X of  
8 OCR on or about November 8, 2017.

9 FACTUAL ALLEGATIONS

10 18. The District implemented and executed policies and  
11 customs in regard to the events that resulted in deprivation of  
12 Plaintiff's constitutional, statutory and common law rights.

13 19. The District is responsible for ensuring that all its  
14 employees are properly trained and supervised to perform their  
15 jobs.

16 20. The District is responsible for the acts and omissions of  
17 its employees.

18 21. Defendant, in contravention of sound and proper public  
19 policy, terminated Plaintiff. The effect of terminating Plaintiff  
20 was to effectuate a discriminatory purpose toward Plaintiff by  
21 Defendant.

22 22. In 2015 the State of Nevada Department of Education  
23 ("NDE") issued directives to the District regarding Special  
24 Education and expressed concerns with the services the District  
25 provided for students with disabilities and compliance with the  
26 Individuals with Disabilities Education Act ("IDEA"); specifically,  
27 that the District's "recurrent violations" might "be indicative of  
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1 a fundamental systematic noncompliance with the IDEA and Nevada  
2 law."

3 23. The District spent \$90,000 to retain an educational  
4 consulting firm, WestEd, to conduct an investigation regarding  
5 areas in need of improvement. In the wake of the WestEd  
6 investigation and report, Davis: declared that reforming the  
7 District's Special Education practices and processes would be a  
8 priority in the District; re-allocated resources and made  
9 leadership changes, to include naming Dr. Byron Green as the Chief  
10 of the Office of Student Services ("OSS"); and, began to implement  
11 reform in accordance with NDE's mandates and the results of the  
12 WestEd investigation.

13 24. Throughout the 2015-2016 school year, under the  
14 supervision and direction of Dr. Green, Plaintiff and her male  
15 colleague, David Frydman, worked with area superintendents, school  
16 principals, McNeill and Davis to implement changes and systems to  
17 ensure compliance with the IDEA. During the year, OSS met with  
18 resistance and push-back from schools and school administrators in  
19 response to the guidance provided by Plaintiff to make the District  
20 IDEA compliant. At that time, LaMarca was the District's Chief  
21 School Performance Officer and was responsible for supervision of  
22 area superintendents and daily operations in all District schools,  
23 but he was also actively soliciting complaints against OSS and  
24 Plaintiff from District principals.

25 25. The resistance and push-back referenced above were  
26 manifested in the complaints brought forward by LaMarca that were  
27 filed against Plaintiff by individuals and the Washoe School  
28 Principals Association ("WSPA") specific to the guidance Plaintiff

1 provided to schools to comply with the IDEA and District  
2 guidelines.

3 26. Upon receipt of each complaint, Plaintiff requested  
4 feedback from Dr. Green, and she also requested his review of her  
5 ongoing emails to principals in an effort to prevent or mitigate  
6 future complaints. Dr. Green's feedback to Plaintiff was that her  
7 behavior was professional, that her decisions were supported by the  
8 data and that a change was not needed.

9 27. Dr. Green worked with McNeill and Davis to address the  
10 complaints, while also refining communication plans and  
11 roles/responsibilities to ensure compliance with IDEA.  
12 Subsequently, those refined roles and responsibilities were  
13 documented and confirmed in an August 4, 2016 memorandum to all  
14 District staff from McNeill and Dr. Green. LaMarca was also listed  
15 as an author of that memorandum. At no point in the wake of these  
16 complaints or the August 4th memorandum was Plaintiff ever directed  
17 by Dr. Green, McNeill or Davis to alter her approach or the  
18 guidance she was providing, as directed by the Davis and Dr. Green.

19 28. In the spring of 2016, WSPA submitted a letter to Davis  
20 in response to a series of articles published in the Reno Gazette  
21 Journal ("RGJ") about special education in the District. Those  
22 articles were the culmination of a two-year investigation by the  
23 RGJ, which revealed that despite the direction from NDE in 2015:

- 24 - The District graduation rate for special education
- 25 students was far below the national average.
- 26 - The District's institutional mentality for special
- 27 education students was one of "low expectations."

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- 1       - The District was inappropriately segregating special
- 2       education students from their regular education peers.
- 3       - Special education students have been abused at the
- 4       District.

5       The WSPA letter was an exercise in evasion of responsibility and a  
6       "run for cover" in which the WSPA lashed out at OSS and claimed  
7       that OSS, as opposed to the RGJ expose, was causing low morale in  
8       the District.

9       29. In the spring of 2016, Plaintiff began sharing with Dr.  
10      Green her concerns regarding: untruthful allegations leveled  
11      against OSS by principals, WSPA and LaMarca; disregard of the  
12      communications and guidance provided to school sites; and, the  
13      bullying behavior exhibited by LaMarca. Of great concern to  
14      Plaintiff was the fact that LaMarca did not treat her male peer,  
15      David Frydman, the same way he treated her. By way of example, in  
16      addition to Mr. Frydman not being the target of a series of  
17      solicited, spurious complaints, LaMarca refused to work directly  
18      with Plaintiff on cases and issues arising at the school level,  
19      whereas he worked directly with Mr. Frydman in such situations.  
20      Additional examples of unequal treatment were provided by Plaintiff  
21      in a formal complaint she filed with the District regarding  
22      LaMarca's behavior on May 19, 2017.

23      30. At the start of the 2016-17 school year, principals, area  
24      superintendents and LaMarca continued to resist when given guidance  
25      and direction from OSS. Davis and McNeill convened a Leadership  
26      Team meeting in September of 2016 at which they reaffirmed their  
27      previously announced expectations for special education to include  
28      "holding staff accountable," ensuring IDEA compliance, and

1 professional communication and behavior with colleagues. The guest  
2 speaker at the meeting was District Deputy Chief General Counsel  
3 Chris Reich, who reviewed disciplinary and documentation procedures  
4 and due process rights for staff.

5 31. Based on the direction reiterated from McNeill and Davis,  
6 Dr. Green and his staff, including Plaintiff, continued to follow  
7 through on providing guidance for special education reform.  
8 Principals, area superintendents, and LaMarca repeatedly resisted,  
9 made dishonest allegations, and disregarded the systems put in  
10 place by OSS, systems intended to support and drive reform and IDEA  
11 compliance. Despite the direction provided in the August 4, 2016  
12 memorandum, school principals continued to make decisions that were  
13 against the law and ignored OSS guidance. The principals were  
14 encouraged in this regard by LaMarca, who continued to advocate  
15 that principals should use their "professional judgment" for  
16 decision making with IEP teams, rather than complying with the IDEA  
17 and rooting decision-making in data. For example, special  
18 education students were moved to more restrictive classroom  
19 environments without sufficient data to support and justify the  
20 change in their educational placement, and schools continued to  
21 fail to implement Individual Education Plans ("IEPs") for special  
22 education students.

23 32. By way of collaboration and communication, Plaintiff  
24 provided direct guidance for schools specific to IEP compliance and  
25 recommended changes, but the schools failed to follow the guidance  
26 or undertake recommended changes. Plaintiff copied District  
27 leadership in those communications, including but not limited to  
28 Sara Almo, District Associate General Counsel, who advises the



1 District regarding special education matters, District Compliance  
2 Administrator Jessica Medulla, LaMarca, Dr. Green, McNeill and area  
3 superintendents.

4 33. In an effort to prevent and mitigate future complaints,  
5 Plaintiff and Dr. Green requested meetings to collaborate and  
6 mediate with principals, but neither the area superintendents,  
7 LaMarca nor McNeill ever responded to the requests, and the  
8 meetings did not happen.

9 34. Plaintiff again communicated her concerns to Dr. Green,  
10 which included concerns of bullying and harassment by LaMarca and  
11 school principals, who continued to target Plaintiff by way of  
12 bogus complaints and untruthful allegations. Dr. Green indicated  
13 that he provided this information to his supervisor in a meeting  
14 and in an email and concurred with Plaintiff that he believed the  
15 behavior from LaMarca and the WSPA president, Alison Kendrick, was  
16 bullying and harassment.

17 35. In the fall of 2016, the principal at Virginia Palmer ES  
18 and LaMarca made false allegations that Palmer ES was not provided  
19 support by OSS and that Plaintiff was unprofessional. The District  
20 initiated an internal investigation conducted by Walt Lyman.  
21 Plaintiff shared her concerns of being bullied and harassed by  
22 LaMarca with Mr. Lyman, but no action was taken.

23 36. On March 30, 2017, Plaintiff was placed on administrative  
24 leave pending investigation of allegations that she had engaged in  
25 misconduct. At approximately the same time, Dr. Green was also  
26 placed on administrative leave pending investigation of allegations  
27 that he had engaged in misconduct. Plaintiff subsequently received

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1 communications regarding investigatory meetings concerning varying,  
2 vague, nonspecific allegations.

3 37. On April 3, 2017, Plaintiff shared her concern with  
4 McNeill that this was continued harassment and bullying by WSPA and  
5 LaMarca. McNeill responded to Plaintiff that she would add  
6 Plaintiff's concern to the investigation being conducted by the  
7 outside investigation firm, Solutions as Work. However, Plaintiff  
8 was not asked about her allegations during the interviews with  
9 Solutions at Work. Plaintiff herself brought the issue up during  
10 an interview and received a glib and cursory response of "how is  
11 that bullying?"

12 38. On May 5, 2017, Plaintiff sent a letter to Davis, McNeill  
13 and District General Counsel Neil Rombardo regarding her concerns  
14 of bullying and harassment that had not been addressed and her  
15 unequal treatment by the District.

16 39. Mr. Rombardo subsequently informed counsel for Plaintiff  
17 that Plaintiff was "mistaken" and did not ever indicate she had  
18 concerns. As stated above, Plaintiff filed a formal complaint on  
19 May 19, 2017.

20 40. Prior to the April 25th investigatory meeting with  
21 Solutions at Work, commencing on April 7th, Plaintiff's attorney  
22 attempted to contact the office of McNeill with questions, as  
23 Plaintiff was directed to do in her March 30, 2017 Notice of  
24 Administrative Leave; and, he also called the District Office of  
25 General Counsel three times in preparation for the interviews.  
26 Plaintiff alerted McNeill that her attorney's phone calls were not  
27 being returned in a phone conversation the two of them had on April  
28 10th, but Plaintiff's attorney's calls were never returned.

41. During the April 25th and May 2nd investigative meetings, Plaintiff was not asked any specific questions, but was asked to respond to vague questions and "scenarios." During the meetings, Plaintiff's attorney asked for more specific information so that Plaintiff could answer the questions. The investigators responded by saying that they did not have the specific information with them. Plaintiff was not provided access to email, calendar, or daily journals to use as a reference to respond to the vague questions. These questions included, but were not limited to:

- "Did you attend a meeting for psychologists?"
- "Do you remember if the meeting went well?"
- "Why did you go to the meeting?"
- "Does anyone feel supported by you?"
- "Do any Principals feel supported by you?"

Other questions that Plaintiff was asked during the investigation had no rational relationship to supposed allegations of bullying, harassment and/or misconduct on the part of Plaintiff. Specifically, the following questions could not possibly have had any bearing on whether or not Plaintiff engaged in any misconduct:

- "What kind of relationship does Byron [Green] have with [Supt.] Traci Davis?"
- "Do you know if Byron has any other relationships in the superintendent's office?"
- "How did you learn about your job?"

Plaintiff felt harassed and intimidated during these biased, result-oriented investigative meetings conducted by Solutions at Work.

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1        42. In the Spring of 2017, Dr. Green was also the subject of  
2 an investigatory interview conducted by Solutions at Work. Unlike  
3 Plaintiff, Dr. Green was provided with access to his email,  
4 calendar and other materials to use as a reference in responding to  
5 questions.

6        43. On May 11, 2017, Plaintiff's attorney sent a letter to  
7 the District legal office requesting a copy of Plaintiff's records  
8 of employment pursuant to NRS 613.075. In that letter, he reminded  
9 the District that Plaintiff had been on leave for nearly six weeks  
10 pending investigation, and he suggested a meeting or mediation  
11 among Plaintiff and any complainants to bring resolution to the  
12 matter so that all parties could get back to doing the work of the  
13 District regarding special education.

14        44. The District's putative "investigation" then dragged on  
15 for another 23 weeks before Plaintiff was summarily dismissed on  
16 October 23rd, bringing Plaintiff's total administrative leave time  
17 to more than 29 weeks.

18        45. At least five District Leadership Team members have been  
19 accused of bullying/harassment over the last four years. None of  
20 these individuals have been put on leave for such an extended  
21 period pending investigation.

22        46. On June 26, 2017, Plaintiff was contacted by another  
23 outside investigation firm retained by the District, Grate  
24 Investigation, regarding her May 17th complaint against LaMarca.  
25 An interview was scheduled for June 27, 2017. Plaintiff repeatedly  
26 told the investigator that without access to her email, calendar,  
27 or daily journals to use as a reference, it was extremely difficult

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1 to answer his questions, especially because his questions were so  
2 vague; but, Plaintiff was not given access to those materials.

3 47. Plaintiff's attorney was assured in a telephone  
4 conversation with and follow up email from Mr. Reich (attorney for  
5 the District) that this investigation had nothing to do with the  
6 investigation previously executed by Solutions at Work and the  
7 allegations against Plaintiff, and that the investigation only  
8 concerned Plaintiff's complaint against LaMarca. Yet, investigator  
9 Grate began the interview with Plaintiff by stating that his role  
10 was to "clean up from the first investigation." Mr. Grate  
11 questioned Plaintiff for 2 hours with a focus on trying to  
12 correlate his questions and her responses to information obtained  
13 in the Solutions at Work investigation. Mr. Grate asked Plaintiff  
14 questions consistent with an investigation of a complaint against  
15 her, such as:

- 16 - "I want to know who you work well with."
- 17 - "Do any principals like you"?
- 18 - "Were there concerns from Principals about you presented  
19 in formal complaints"?
- 20 - "Did you see them"?

21 These questions had no relevance to the complaint by Plaintiff  
22 against LaMarca. The interviews Plaintiff endured with Solutions at  
23 Work and Grate Investigations were biased and retaliatory, and  
24 constituted harassment and intimidation.

25 48. The pretext of McNeill's October 23rd dismissal letter is  
26 that Plaintiff was dismissed for dishonesty (denying discussions  
27 with District staff during the investigation) and unprofessional  
28 conduct.

1        49. Dr. Green also engaged in discussions with District Staff  
2 during the investigation, but the District did not attempt to  
3 dismiss Dr. Green.

4        50. In fact, the District's dismissal of Plaintiff was  
5 retaliation for her efforts to enforce the policies and practices  
6 necessary to bring the District into compliance with state and  
7 federal law regarding special education students.

8        51. The District's dismissal of Plaintiff was also  
9 retaliation for Plaintiff's complaints of sex discrimination by  
10 LaMarca.

11       52. The District failed to seriously investigate Plaintiff's  
12 sex discrimination complaint against LaMarca and dismissed  
13 Plaintiff prior to even completing that investigation.

14       53. The District's dismissal of Plaintiff is allegedly  
15 authorized by its official policy of employing "Leadership Team"  
16 employees on an "at will" basis at the pleasure of the  
17 Superintendent of Schools. The District alleges that such at-will  
18 employees are not entitled to a hearing before a hearing officer  
19 pursuant to NRS 391.765 to 391.800.

20                                    **FIRST CLAIM FOR RELIEF**  
21        **Violation of Due Process Guaranteed by the Fourteenth Amendment**

22        54. Plaintiff repeats and realleges each of the allegations  
23 as if fully set forth at length and incorporated herein by  
24 reference.

25        55. Plaintiff was entitled to due process pursuant to NRS  
26 391.765 to NRS 391.800 before dismissal.

27        56. These statutes gave Plaintiff a property interest in her  
28 employment.

1           57. On or about October 23, 2017, Defendant dismissed  
2 Plaintiff.

3           58. Defendant did not provide Plaintiff with the due process  
4 required pursuant to NRS 391.765 to NRS 391.800 inclusive before  
5 dismissing her.

6           59. Defendant's decision to dismiss Plaintiff without  
7 providing her a hearing pursuant to NRS 391.765 to NRS 381.800  
8 inclusive violated Plaintiff's due process rights as guaranteed by  
9 the Fourteenth Amendment of the United States Constitution and 42  
10 U.S.C. § 1983.

11           60. As a direct and proximate result of Defendant's  
12 violations of Plaintiffs's constitutional rights, Plaintiff  
13 suffered severe and substantial damages. These damages include  
14 lost salary, lost career and business opportunities, litigation  
15 expenses including attorney fees, loss of reputation, humiliation,  
16 embarrassment, inconvenience, mental and emotional anguish and  
17 distress, consequential damages and other compensatory damages in  
18 an amount to be determined at trial.

19                           SECOND CLAIM FOR RELIEF  
20                           Sex Discrimination in Employment  
21                           Title VII, Civil Rights Act of 1964

22           61. Plaintiff incorporates by reference each of the foregoing  
23 allegations as if fully set forth herein.

24           62. Defendant conducted itself with malice and/or reckless  
25 indifference to Plaintiff's statutory rights under Title VII of the  
26 Civil Rights Act of 1964.

27           63. Plaintiff is female.

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1           64. LaMarca discriminated against Plaintiff due to her gender  
2 by repeatedly making untruthful complaints against her, and  
3 actively soliciting such complaints from others.

4           65. LaMarca discriminated against Plaintiff due to her gender  
5 by treating her differently from her male colleague David Frydman.  
6 By way of example, LaMarca did not make untruthful allegations  
7 against Mr. Frydman and refused to work with Plaintiff on cases and  
8 issues arising at the school level, while working directly with Mr.  
9 Frydman on such cases and issues.

10           66. Defendant hired a company to investigate LaMarca's  
11 untruthful allegations against Plaintiff. The company, Solutions  
12 at Work, conducted a biased, results-oriented investigation  
13 intended to corroborate the predetermined decision to discipline  
14 Plaintiff.

15           67. Defendant discriminated against Plaintiff in that she was  
16 denied access to her email, calendar and daily journals during its  
17 investigation, but Defendant afforded such access to Dr. Green  
18 during its investigation.

19           68. On May 19, 2017, Plaintiff filed a formal complaint with  
20 the Defendant about LaMarca's discriminatory behavior.

21           69. Defendant hired a second investigator, Grate  
22 Investigations, putatively to investigate Plaintiff's complaint  
23 against LaMarca. The District terminated Plaintiff prior to Grate  
24 Investigation even completing its investigation of Plaintiff's  
25 complaint.

26           70. Plaintiff suffered severe emotional, psychological,  
27 vocational and financial damages as a proximate cause of  
28 Defendant's conduct.

1           71. Accordingly, Plaintiff is entitled to compensatory,  
2           punitive and other appropriate damages and attorney fees and costs.

3                           THIRD CLAIM FOR RELIEF  
4                           Sex Discrimination in Employment  
5                           Title VII, Civil Rights Act of 1964  
6                           Retaliation/Retaliatory Termination

7           72. Plaintiff incorporates by reference each of the foregoing  
8           allegations as if fully set forth herein.

9           73. Plaintiff opposed any and all sex discrimination imposed  
10          upon her by Defendant, throughout her employment with WCSD.

11          74. Defendant subsequently took adverse action against  
12          Plaintiff, primarily in the form of the termination of her  
13          employment on the basis of engineered pretexts.

14          75. Plaintiff's opposition to Defendant's sex discrimination  
15          was the motivating factor behind her pretextual termination.

16          76. Defendant conducted itself with malice and/or reckless  
17          indifference to Plaintiff's statutory rights under Title VII of the  
18          Civil Rights Act of 1964.

19          77. All such wrongful conduct was committed by supervisors,  
20          with the authority to hire, fire, and take adverse action against  
21          Plaintiff, or transpired with the full knowledge and awareness of  
22          Defendant.

23          78. Plaintiff suffered severe emotional, psychological,  
24          vocational and financial damages as a proximate cause of  
25          Defendant's conduct.

26          79. Accordingly, Plaintiff is entitled to compensatory,  
27          punitive and other appropriate damages and attorney fees and costs.

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**FOURTH CLAIM FOR RELIEF**  
**Title IX**

80. Plaintiff incorporates by reference each of the foregoing allegations as if fully set forth herein.

81. The District is a recipient of federal education funding, and subject to the provisions of Title IX of the Education Amendments of 1972, 20 U.S.C. §1681, et seq.

82. Plaintiff challenged the sex discrimination of LaMarca by complaining about it to supervisors and the District's lawyer.

83. Defendant retaliated against Plaintiff due to Plaintiff's challenge to this sex discrimination by investigating her and ultimately firing her.

84. Plaintiff suffered severe emotional, psychological, vocational and financial damages as a proximate cause of Defendant's conduct.

85. Accordingly, Plaintiff is entitled to compensatory, punitive and other appropriate damages and attorney fees and costs.

**FIFTH CLAIM FOR RELIEF**  
**Violation of Title II and Title V of the Americans with Disabilities Act - Retaliation**

86. Plaintiff incorporates by reference each of the foregoing allegations as if fully set forth herein.

87. Defendant is a public entity subject to Title II and Title V of the ADA.

88. Defendant violated the ADA by intentionally frustrating Plaintiff's attempts at ensuring that schools within the District complied with federal laws designed to help students with disabilities, and ultimately terminating Plaintiff's employment due to her efforts.



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**SEVENTH CLAIM FOR RELIEF**  
**Violation of Nevada Statutory Protections**

98. Plaintiff incorporates by reference each of the foregoing allegations as if fully set forth herein.

99. WCSD is an "employer" within the meaning of NRS 613.310.

100. NRS 613.330 makes it unlawful for an employer to discriminate against any employee because of sex. Defendant's conduct as detailed herein, was in fact illegal. Plaintiff was subjected to sex related and motivated discriminatory practices, comments, and actions affecting her compensation, terms, conditions or privileges of employment, all of which are illegal activities and which were directed, ratified or tolerated by Defendant.

101. As a direct and proximate result of Defendant's violation of NRS 613.330, Plaintiff suffered lost wages, lost benefits, lost seniority, lost future earnings, lost employment opportunities, humiliation, embarrassment, and loss of self-esteem in an amount to be determined at trial. Plaintiff seeks all legal and equitable remedies available at law.

**PRAYER FOR JUDGMENT AND RELIEF**

WHEREFORE Plaintiff prays for judgment as follows:

1. For appropriate declaratory relief regarding the unconstitutional and unlawful acts of Defendant;

2. Actual damages in the form of back pay and front pay;

3. For appropriate compensatory damages in an amount to be determined at trial;

4. For punitive damages in an amount to be determined at trial;

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1           5. For appropriate equitable relief against Defendant as  
2 allowed by law, including the enjoining and permanent restraining  
3 of these violations, and direction to Defendant to take such  
4 affirmative action necessary to ensure that the effects of the  
5 unconstitutional and unlawful employment practices are eliminated  
6 and do not continue to affect Plaintiff's or others' employment  
7 opportunities;

8           6. For an award of reasonable attorney fees and costs; and

9           7. For such other and further relief to which Plaintiff may  
10 show herself justly entitled.

11           Dated this 22nd day of October, 2018.

12                           DYER LAWRENCE, LLP

13  
14 By: 

Francis C. Flaherty  
Nevada Bar No. 5303  
Casey C. Gillham  
Nevada Bar No. 11971

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